

AMENDED **NO. 68280**
APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF
NEVADA

Date of Filing in State Engineer's Office DEC 10 2001
Returned to applicant for correction JAN 04 2002
Corrected application filed MAY 06 2002
Map filed MAY 06 2002 under 68278

The applicant **Duke Energy White Pine, LLC**, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Underground**
2. The amount of water applied for is **5.0 cfs** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Power Plant purposes**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **within the NW¼ NW¼ Section 12, T.24N., R.64E., MDM, or at a point from which the NW corner of said Section 12 bears North 45°06' West, a distance of 937 feet**
6. Place of Use **All of Section 1 lying West of U.S. Highway 93; all of Section 2; E½ Section 3; E½ Section 10; all of Section 11 lying West of U.S. Highway 93; all of Section 12 lying West of U.S. Highway 93; all in T.24N., R.64E., MDM**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Well, pump, motor, and pipelines to Power Plant site**
9. Estimated cost of works **In excess of \$250,000**
10. Estimated time required to construct works **3 years**
11. Estimated time required to complete the application of water to beneficial use **6 years**
12. Remarks: **This application is for a proposed coal-fired plant.**

Bruce R. Scott, P.E., Resource Concepts, Inc.
By **s/Bruce R. Scott**
340 North Minnesota Street
Carson City, Nevada 89703

Compared dl/cmf

Protested 02/20/02 by Kennecott Nevada Copper Company; 7/10/02 by White Pine County;

68280

DENIAL OF STATE ENGINEER

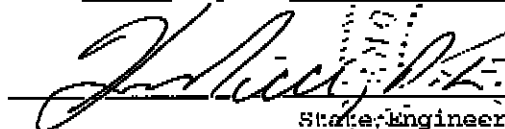
This application is hereby denied on the grounds that the applicant has not submitted the data and information requested by the State Engineer's office, and that without this information, the approval of the application would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protests.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 10th day of January, A.D. 2005.



State Engineer

State Engineer